

REMARKS/ARGUMENTS

The above Amendments and these Remarks are in reply to the Office Action mailed on February 20, 2004. Claims 1-15 were pending and rejected. Claims 1 and 15 are amended herein and claims 5-9 are cancelled. Claims 1-4 and 10-15 are currently pending. As claims 1 and 15 have been amended to include the subject matter of claim 7, Applicants submit that no new search is necessary.

The Examiner has rejected claim 1 under 35 U.S.C. 102(e) over Smith Jr. et al, U.S. patent No. 6,490,343. Applicants respectfully traverse the rejection. Claim 1 recites:

**(a) a first electronic device, coupled to the telecommunication infrastructure;
(b) a second electronic device, coupled to the infrastructure, for providing a conversation representation; and,
(c) a processing device, coupled to the telecommunication infrastructure and remote to the first electronic device for storing 1) a conversation element associated with the conversation representation and 2) a software program for providing an audible utterance to the first electronic device in response to a selected conversation representation;
wherein the conversation representation is text.**

Smith Jr. is deficient of any mention of a “software program” which is located in the processing device that provides audible utterances in response to the selected conversation representation.

The recited telephone infrastructure includes a system which receives conversation representation signals, generates audible utterances, and then transmits the audible utterances to a remote electronic device such as a home or cellular telephone. The audible utterances are generated in response to a user selection of a text conversation representation.

The section of Smith Jr. cited by the Examiner discloses a computer that transfers program instructions to a telephone. It does not disclose an “electronic device” that provides the audible

utterance in response to a selected conversation element. Insofar as the computer provides “audible utterances,” they are transferred from the configuration system as part of a configuration process and not provided in response to a selected conversation representation. The Examiner, in rejecting claim 1, cites a section where the data is downloaded as part of a configuration process. This section does not disclose the audible utterances being provided to the first electronic device in response to a selection of a conversation representation. There is no “selected” conversation representation in the cited section of Smith Jr.

Additionally, Claim 1 has been amended to recite the limitations of claim 7, namely that the (selected) conversation representation is text. In rejecting claim 7, the Examiner cites a section of Smith Jr. (col 11. 34-55) that discusses code data. However, the discussed “text” in this section is *transmitted* text messages that are sent in response to DMTF tones corresponding to the illustrated key numbers(Fig. 3). The “text” of this section is not selectable and does not initiate the transmission of audible utterances as recited in claim 1.

Additionally, when the claim is taken as a whole, the claim elements cannot be found within Smith Jr. The Examiner, in rejecting claim 1, cites a section where a configuration computer transmits text and audio data to a telephone for the purpose of programming the computer. The examiner cites the configuration information as the “audible utterances”. In order for Smith Jr. to properly anticipate claim 1, the configuration system cited in the rejection of claim 1 would need to provide its configuration information in response to a selection of the correspondence data shown in Fig. 3. In light of the above arguments, Applicants submit that claim 1 is patentably distinguishable over Smith Jr.

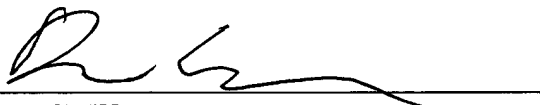
Claim 15 was rejected over Smith Jr., but the Examiner, in providing the rejection cited different sections of Smith Jr. than for claim 1 for each of the recited claim elements. Claim 15 recites similar subject matter to claim 1, but additionally recites that a second electronic device coupled to the infrastructure provides the conversation representation. In response, the Examiner cites the first telephone of Smith as anticipating the recited “second electronic device”. However, the first telephone of Smith Jr. does not provide “an audible utterance” to a another device as recited in claim 15. The telephones of Smith Jr. transmit custom codes to one another which are processed upon reception and converted to voice(See Abstract).

Unlike with the claimed invention, an end user connected to the infrastructure of Smith Jr. could not parse the transmitted message fragments unless he similarly possessed a conversion unit. Thus, applicants submit that claim 15 is patentably distinguishable over Smith Jr.

In light of the above, it is respectfully submitted that all of the claims now pending in the subject patent application should be allowable, and a Notice of Allowance is requested. The Examiner is respectfully requested to telephone the undersigned if he can assist in any way in expediting issuance of a patent.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-1325 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

Date: July 19, 2004 By: 
Bryon T. Wasserman
Reg. No. 48,404

FLIESLER MEYER LLP
Four Embarcadero Center, Fourth Floor
San Francisco, California 94111-4156
Telephone: (415) 362-3800
Fax: (415) 362-2928
Customer No.: 23910